

STATEMENT

Before me, the undersigned authority, on this day personally appeared Kimberly Elaine Satterwhite York, who, after being by me duly sworn, upon oath deposes and says:

I HAVE BEEN INFORMED THAT UNDER THE PENAL CODE OF THE STATE OF TEXAS, SECTION 37.02, A PERSON COMMITS THE OFFENSE OF PERJURY IF, WITH INTENT TO DECEIVE AND WITH THE KNOWLEDGE OF THE STATEMENTS MEANING, HE OR SHE MAKES A FALSE STATEMENT UNDER OATH OR SWEARS TO THE TRUTH OF A FALSE STATEMENT PREVIOUSLY MADE AND THE STATEMENT IS REQUIRED OR AUTHORIZED TO BE MADE UNDER OATH.

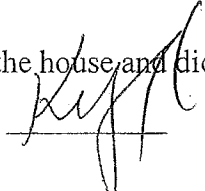
I have known Roger Tyrone James for around 23 years. He was born on 12/27 and just turned 38 years of age. We have been boyfriend and girlfriend for about 5 to 6 years. Our relationship has been on-again/off-again during the whole time. During that time, Roger has been physically violent with me on only one occasion. I do not recall the circumstances or his specific actions. We have mainly just verbally argued. Roger would stay at my house frequently. He would stay there 2 or 3 days and then be gone for 2 or 3 days. As of today, our relationship was "on" and Roger was at my house when I left there about 5PM yesterday. I got back to my house about 10PM last night and Roger was not there at that time.

Between Midnight and 1AM on 12/28/2009, Roger came to my house at 11815 Johnny Weismuller Ln. Roger used his key to come in through the front door. The key broke in the lock when he was opening the door. I was on the phone when he came into the house. He asked who I was talking to on the phone and I told him it was none of his business. Roger became angry about this. He was saying I was sorry and no good because he thought I was cheating on him. I told him that, if he felt that way, then he should leave. I got up and we started pushing and shoving. He was still going off, saying all kinds of crazy stuff. Roger started hitting me with his fists but did not cause me any injury. The pain I suffered was mainly emotional in nature. Roger snatched my cell phone out of my hand.

I ran down the stairs to get some clothes. I grabbed the house phone, which is the cordless type. Roger saw that I had the house phone. I told him I was going to call his family. He went into the kitchen and pulled the phone cord for the base unit out of the wall. I ran out the front door and went to a convenience store down the street. It is an Exxon Tigermarket at Manchaca/Slaughter. I asked the clerk to use the phone and called Roger's family. I talked to Tanya James first and then Brenda James, who is Roger's mother. I told him Roger was at my house tripping. I asked them to come over and get him out of my house. They told me if they came over they still would not be able to get him out. I told them I did not want to call the cops and Brenda told me to do what I had to do as far as calling the cops.

I went back to the house because I did not have enough clothing on. I went in the house and did not

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Initials: 

see Roger. I plugged the phone back into the wall and started to put on some warmer clothes. All of a sudden, I heard the door leading from the garage into the kitchen. I had the cordless phone unit in my pocket at that time. I saw Roger and took off running. Roger was still talking crazy. I kept telling him I was not going to fight with him and that I would call the cops. He said to go ahead and call the cops but he did not know I had the phone back with me. I ran into the bathroom and dialed 911. Roger was coming toward me so I closed and locked the door. Roger started kicking and beating on the door. He was screaming a whole bunch but I was screaming too and do not recall anything he said. Something distracted him and I cracked the door open. He was still out there and saw me open the door. He ran back over and tried to get into the bathroom. I closed the door but he had his hand inside so I shut the door on his hand. He stayed outside cussing. Somehow he ended up back out in the living room area. I used that chance to take off out the front door of the house. I got in my car, which was in the driveway. I was still talking to 911 at that time. I stayed in the car until the cops arrived. I did not see Roger after I had gotten out of the house.

A sheriff came up to the car to talk to me. He asked what was going on and I told him. He asked if I needed EMS or anything and said no. He asked if there were any weapons in the house and I told him about the gun I had up on the shelf in my bedroom closet. It was a silver colored pistol, the type you have to pull back on to operate. The pistol did not have a clip in it. The clip was packed in a box in the garage. Roger knew about the pistol but, as far as I knew, he did not know about the clip. APD cops started showing up. One of them shined a light on my face to look at the knot on my forehead. The knot came from the fight with Roger. They asked again if I needed EMS and I again said no. They told me to stay behind the cop cars and not come up to the house. I gave the APD cop my keys to get in the house.

I remember at least 3 cops walking up the house. They were knocking on the door. They called Roger by name. They identified themselves as "APD" or as "Austin Police Department", I am not sure which term they used. They ordered Roger to open up. They were up there for a few minutes for sure. They kept asking Roger to open the door. Finally, the porch light came on. I remember hearing one of the cops say, "Something's rolling..." or something like that. The cops took off running. I heard people hollering, yelling and stuff, but I cannot say who said what. I did not catch any of the specific phrases. I then heard what sounded like 2 gunshots. I did not see who was shooting. I did not see Roger at all. From where I was, I could only see the very top of the front door and did not have a view of what happened at the door.

After I heard the shots, I started screaming. I tried to run up to my house. One of the cops stopped me and said I could not go up there. He said he needed me to stay back. I asked if Roger was shot. All the officer would say was that shots were fired. I was screaming and crying. I got on the phone and called my parents. One of the cops came over and told me to come sit in one of the police cars. The first cop said he wanted me to be warm and out of the way. Roger's family started showing up. A cop came to me and said it would be safer for me to stay in the car. While in the car, I called my kids to tell them what happened. A couple of ladies with APD eventually came over and let me out of the car so I could hug my mother.

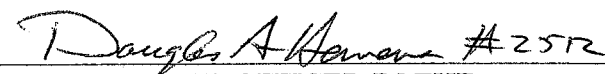
I wanted my father with me when I made this statement. My father, Ruben Satterwhite, was present with me during the interview for this statement.

I can read and write the English language. I have read this written statement and it is true and correct to the best of my knowledge. I make this statement freely and voluntarily. No one has made any threats or promises in order to induce me to make this statement.



Kimberly Elaine Satterwhite York

Sworn to and subscribed before me by Kimberly Elaine Satterwhite York this 28th day of December 2009.



PEACE OFFICER IN THE
STATE OF TEXAS

| AFFIANT IDENTIFICATION & CONTACT DATA | |
|---|---------------|
| NAME: Kimberly Elaine Satterwhite York | |
| DOB: | DL/ID NUMBER: |
| ADDRESS: 11815 Johnny Weismuller Ln Austin, TX 78748 | HOME PHONE: |
| ADDITIONAL CONTACT INFORMATION: | |